

Members

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Sen. John Waterman
Sen. Ryan Mishler
Sen. James Arnold
Sen. Robert Deig
Sen. James Lewis
Rep. Clyde Kersey, Vice-Chairperson
Rep. Dale Grubb
Rep. Vern Tincher
Rep. Cleo Duncan
Rep. James Buck
Rep. William Davis



INTERIM COMMITTEE ON TRANSPORTATION MATTERS

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Authority: Legislative Council Resolution 07-01

MEETING MINUTES¹

Meeting Date: August 14, 2007
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Thomas Wyss, Chair; Sen. Ryan Mishler;
Sen. James Arnold; Sen. Robert Deig; Sen. James Lewis;
Rep. Clyde Kersey, Vice Chair; Rep. Dale Grubb;
Rep. Vern Tincher; Rep. Cleo Duncan; Rep. James Buck;
Rep. William Davis.

Members Absent: Sen. John Waterman.

The Chair, Senator Wyss, called the meeting to order at 1:10 p.m. Committee members and staff present introduced themselves. The Chair's opening remarks briefly touched on the collapse of the I-35W bridge in Minnesota and how Indiana was in a good position due to recent initiatives to fund highway and bridge construction to forestall such tragedies in Indiana. The Chair also summarized the Committee's charge from the Legislative Council and said that today's meeting would be dedicated to the issue of accidents involving commercial vehicles. The Chair recognized witnesses as follows:

1. Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Superintendent Paul Whitesell, Indiana State Police²

During his discussion, Superintendent Whitesell referred to materials distributed to Committee members.³ The Superintendent said that his remarks would include a discussion of matters of highway safety and of the effects commercial vehicles have on transportation infrastructure.

Superintendent Whitesell discussed a bar graph illustrating the number of crashes involving a commercial motor vehicle from the years 1990 through 2006.⁴ The Superintendent then discussed the numbers of fatal accidents involving a commercial motor vehicle,⁵ noting that most of the fatal crashes occur in northern Indiana because of the larger number of commercial vehicles that operate in that part of the state. The Superintendent stated that a large percentage of accidents involving commercial vehicles are related to driver factors such as fatigue, inattention, speed and following too closely. The Superintendent said that fewer accidents are due to equipment failures; equipment conditions have improved over the years.

Turning to the question of the effects of commercial vehicles on highways, the Superintendent referred to information relating to pavement damage.⁶ He then discussed a survey that was done at the Richmond truck scales on the morning of August 13, 1999.⁷ The Superintendent noted that heavy vehicles cause greater damage to the highways than do passenger vehicles. Representative Davis asked whether some of the overweight vehicles recorded at the Richmond scales could have legally weighed more than the 80,000 pound limit as a permitted overweight vehicle. The Superintendent responded that what Representative Davis suggested is possible. Using the results of the survey, the Superintendent extrapolated the potential fines that could be collected if all overweight vehicles are caught. The Superintendent, referring to an exhibit, said that there is a great discrepancy in the amount of fines imposed on overweight trucks in Indiana.⁸

The Superintendent discussed enforcement issues, noting that there are ten weigh stations in Indiana⁹, 52 weigh in motion scales ("WIMS") and 83 portable scales. The Superintendent also discussed staff, revenue, and costs relating to enforcement of the

2. Major Thomas Melville and other members of the Superintendent's staff assisted in answering questions and in the Superintendent's presentation.

3. A copy of the materials, titled "Indiana State Police Legislative Study Committee August 14, 2007" is Exhibit 1 to these Minutes. The pages of the materials will be referred to as, for example, "Exhibit 1-1" for the first page of the materials, "Exhibit 1-2" for the second page, *etc.*

4. "All Crashes Involving a CMV 1990 through 2006" is Exhibit 1-1. The Superintendent noted that data for the years 2001 and 2002 were not shown because the data could not be located.

5. "Fatal Crashes Involving A CMV 1990 through 2007" is Exhibit 1-2.

6. "Pavement Damage" is Exhibit 1-3.

7. "SHRP SITE 5140 - RICHMOND" is Exhibit 1-4. The exhibit is a bar graph showing results of overweight vehicles recorded at the site from 8:56 a.m. through 9:59 a.m. on August 13, 1999.

8. "CMV Overweight Fines (Excess of 10,000 lbs.), January - April 2006" is Exhibit 1-5.

9. The Superintendent said that of all the scales in those weigh stations, two are currently inoperable.

commercial motor vehicle laws.¹⁰ The Superintendent said that all new troopers are being trained to do commercial motor vehicle driver inspections.

There was discussion among Committee members and the Superintendent regarding the relationship between overweight trucks and road damage and causation of accidents, the discrepancies among state courts in imposition of fines for motor carrier violations, and optimal use of weigh stations. In response to a Committee question regarding the frequency of accidents of marked police vehicles and unmarked police vehicles, the Superintendent said that unmarked vehicles are involved in accidents about twice as frequently as marked vehicles.¹¹

In response to questions from Representative Davis, the Superintendent said that most driver "out of service" incidents are due to drivers exceeding driving time limits. The Superintendent also said that any increases in accidents statewide are not likely due to a greater interstate speed limit because more accidents are occurring on state roads and municipal streets rather than on the interstate highways.

Jim Poe, Deputy Commissioner, Indiana Department of Revenue

Mr. Poe provided historical background for the 1988 changes in the motor carrier laws, including the \$0.01 increase in the motor carrier fuel tax that was intended to be used for enforcement of truck weight limits. During discussion with the Committee, Mr. Poe stated that enforcement of commercial vehicle laws tends to be less vigorous during those months of the year when state trooper time is dedicated to school bus inspection. There was discussion among Committee members of the possibility of employing retired state troopers to inspect school buses and the possibility of utilizing private sector resources to do school bus inspections. The Chair discussed with Mr. Poe ways to provide incentives to local police agencies to perform weight inspections using portable scales.

Chris Kiefer, Indiana Department of Transportation

Mr. Kiefer discussed data relating to the weight of vehicles and stopping distances.¹² Responding to a question from Senator Wyss, Mr. Kiefer said that the stopping distance data for trucks assumes a weight of 80,000 pounds and wet pavement conditions. In response to a question from Representative Duncan, Mr. Kiefer described the Department's use of cable barriers on stretches along I-65 and I-69 and said that cable barriers are more cost effective than other methods of preventing vehicles crossing the median. Mr. Kiefer stated that the Department considers issues relating to pavement deterioration as a safety issue.

10. See Exhibit 1-6, "CMV Inspection Comparison"; Exhibit 1-7, "11 Axle CMV Saturation Patrol Compliance Statistics, May 17-18, 1999"; Exhibit 1-8, "Indiana State Police, Commercial Vehicle Enforcement Division, 2006 Saturation Patrol Statistics"; Exhibit 1-9, "Table 6: ISP, MCI Staffing Levels Necessary for Operational Efficiency".

11. Photographs of Indiana State Police vehicles involved in collisions with trucks were distributed to Committee members and are Exhibits 2-1 through 2-5. While referred to during the meeting, the photographs were not exhibited or specifically discussed.

12. See Exhibit 3-1, "Brake Reaction Distance", Exhibit 3-2, "Braking Distance", Exhibit 3-3, "Total Stopping Distance", and Exhibit 3-4, "Car and Truck Stopping Distance".

Dave Osiecki, Vice President of Safety, Security and Operations, American Trucking Association

Mr. Osiecki gave a PowerPoint presentation,¹³ focusing his remarks on the current status of the trucking industry's safety record, the causes of crashes involving trucks, and possible effective programs to reduce truck crashes.

Responding to a question from Representative Tincher, Mr. Osiecki said that the benefit of trucks displaying an 800 telephone number for the reporting of reckless driving by truckers has not been studied. There was discussion of the method of giving the CDL exams. Expanding his discussion of employer notification systems to inform the employers of truckers of violations and suspensions,¹⁴ Mr. Osiecki said that 10 states now have such a program, nine of which are conducted voluntarily while California requires such notification. He also said that the factors most frequently implicated for trucker errors are speeding, driving at speeds unsafe for conditions, and prescription drug use. Mr. Osiecki also discussed with Committee members installation of devices to limit the speeds of trucks.

Judge Raymond Kickbush, Senior Judge, State of Indiana¹⁵

Judge Kickbush discussed his proposal for the creation of a commercial vehicle court.¹⁶ Judge Kickbush showed the Committee a large paper bound book of the federal laws relating to commercial motor vehicles and commercial motor vehicle drivers. Judge Kickbush explained a program he has undertaken to visit Indiana judges and prosecutors to explain these regulations when he realized that there was a serious lack of knowledge of the requirements of the commercial motor vehicle laws.

Judge Kickbush said that the diversion of violators and the granting of "hardship licenses" was commonplace¹⁷ but is clearly a violation of federal law. Judge Kickbush said that the extent of diversions is not known because good records are not kept. Judge Kickbush reiterated Superintendent Whitesell's point that there is no uniformity in Indiana in the imposition of penalties for violations of the commercial motor vehicle statutes.

Committee members discussed the proposal with Judge Kickbush, which included a brief discussion of the federal regulations. Judge Kickbush said that his proposal would create a panel of individuals who could be specialists in commercial motor vehicle law, much in the same way the state has set up a panel of individuals to adjudicate worker compensation cases. Representative Buck maintained that the solution was not the creation of an additional court but for the existing courts to follow and apply the law.

13. Copies of the slides of Mr. Osiecki's presentation are Exhibit 4-1 through Exhibit 4-17.

14. See Exhibit 4-12.

15. Judge Kickbush was formerly a judge of the Porter Superior Court and is now a Senior Judge.

16. A copy of Judge Kickbush's proposal, "Position Paper on Commercial Vehicle Court" is Exhibit 5.

17. Judge Kickbush did say that the frequency of granting hardship licenses has decreased.

Kenneth Strickland

Mr. Strickland introduced himself as the Division Administrator of the Federal Motor Carrier Safety Administration of the United States Department of Transportation. He outlined the jurisdiction of his agency. He also reiterated the point made by other speakers that enforcement of motor carrier laws in Indiana lacks uniformity. He discussed drug testing of drivers and stated that Superintendent Whitesell's announcement that all state police troopers will be trained for Level 3 testing is a good step. Mr. Strickland also discussed the potential of federal money for programs to combat aggressive driving.

NEXT MEETING DATE

The Chair announced that the next meeting would be held at 10 a.m. on September 18 at Hulman Field in Terre Haute. The Committee will consider the topic of establishing an inland port in Indiana.

The Chair adjourned the meeting at approximately 3:48 p.m.